

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

SPOKANE TRIBE OF INDIANS,

Plaintiff/Intervenor,

v.

BARBARA J. ANDERSON, et al.,

Defendants.

No. CV-72-3643-JLQ

ORDER ADOPTING SPECIAL
MASTER'S REPORT AND
RECOMMENDATION; APPROVING
WATER MASTER'S 2010 ANNUAL
REPORT; CONTINUING WATER
MASTER SERVICE; AND
APPROVING COMPENSATION
AND EXPENSES

This matter was heard on Report and Recommendation May 17, 2011, before Special Master Magistrate Judge Cynthia Imbrogno, following filing of the Water Master's 2010 Annual Report (October 1, 2009, through September 30, 2010) (ECF No. 694). The Report and Recommendation is in compliance with the previous directives of this court establishing compensation and expense reimbursements for the Water Master and for payment.

As no objections have been filed, the Special Master's Report and Recommendation is **ADOPTED**.

IT IS ORDERED:

1. The Annual Report of the Water Master (ECF No. 694) (including the 4th Quarter 2010 compensation \$275.00 expenses + \$3,740 retainer, for a total of \$4,015.00,

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1 ECF No. 694 at 2), covering the period of July 1, 2010, to September 30, 2010, is
2 accepted and approved.

3 2. The Water Master's 2011 compensation agreement shall remain the same
4 as in previous agreements. Specifically, the Water Master's request for compensation
5 and expenses is approved, consistent with previous agreements (\$3,740 quarterly
6 retainer, and annual expenses not to exceed \$2,500).

7 3. Mr. Newhouse shall immediately bring current his delinquent payments to
8 the Water Master.

9 **IT IS FURTHER ORDERED** the Joint Motion of Washington Department of
10 Ecology, United States, and Spokane Tribe of Indians to Extend Reporting and Briefing
11 Schedule (**ECF No. 701**) is **GRANTED** as follows:

12 1. Completion of the United States Geological Survey Study and any other
13 factual studies is extended from August 15, 2011, to **December 30, 2011;**

14 2. The opening brief deadline is extended from January 15, 2012, to **May 10,**
15 **2012;**

16 3. The response brief deadline is extended from March 15, 2012, to **July 10,**
17 **2012;**

18 4. The reply brief deadline is extended from April 15, 2012, to **August 10,**
19 **2012;**

20 5. In light of the age of the captioned matter and the many filings in the
21 voluminous file predating the court's changeover to CM/ECF, pleadings referenced in
22 the 2012 briefing which predate 1990 shall be provided also in an organized, hard
23 courtesy copy to the court and to the parties to permit orderly consideration of the
24 arguments and record.

25 6. The memoranda of the parties may exceed the 20 pages referenced in LR
26 7.1(f), Local Rules for the Eastern District of Washington.

27
28 **ORDER ADOPTING SPECIAL MASTER'S REPORT AND
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1 **IT IS FURTHER ORDERED** that the parties shall memorialize their positions
2 in the 2012 briefing as to the regulation-of-unauthorized-water-use issue raised at page
3 1 of the Water Master's Annual Report (ECF No. 694) regarding the effects of the dam
4 on Rail Creek.

5 **IT IS FURTHER ORDERED** that the Clerk of the Court shall set a case
6 management deadline for February 1, 2012, to trigger issuance of an Order of Referral,
7 thus permitting notice and setting of the 2012 hearing in March.

8 The Clerk of the Court shall file this Order Adopting Report and Recommendation
9 and serve copies of it on Judge Imbrogno and on the parties listed on the most recently
10 updated Notice List attached to this Order.

11 Dated this 30th day of June, 2011.

12 s/ Justin L. Quackenbush
13 JUSTIN L. QUACKENBUSH
14 SENIOR UNITED STATES DISTRICT JUDGE